

Message

**From:** Gettle, Jeaneanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D8E72AA7E1894FAEA44006FD9F22B637-GETTLE, JEANEANNE]  
**Sent:** 11/12/2020 6:04:52 PM  
**To:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**CC:** McGill, Thomas [McGill.Thomas@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Thanks to all of you!

jmg

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Sent:** Thursday, November 12, 2020 1:02 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Cc:** McGill, Thomas <McGill.Thomas@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Jeaneanne,

I've heard from Leif, Tod, and Simma and all are fine with the language changes below. Please see attached revised versions of the draft PA in redline and clean consistent with these changes. I think we're good to send these on.

Thanks,

Matt

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Thursday, November 12, 2020 7:13 AM  
**To:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Cc:** McGill, Thomas <McGill.Thomas@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** Re: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

We will hold for all legal feedback.

Jeaneanne

Sent from my iPhone

On Nov 11, 2020, at 11:25 AM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

I'm fine with Tom's edit to the Reporting and Monitoring section.

Ex. 5 Deliberative Process (DP)

**Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

Please let me know if anyone disagrees with my recommended changes. I'd also like to get Simma and Tod's take on these changes before sending to senior leadership. I defer to Leif and Jeaneanne whether it's best to send the draft PA to senior leadership now without the changes while we check in with Simma and Tod.

Thanks,

Matt

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**From:** McGill, Thomas <McGill.Thomas@epa.gov>

**Sent:** Tuesday, November 10, 2020 8:35 PM

**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Regarding John's first comment, I suggest

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

I think John's suggested edits to the Amendment language look good, but I welcome input from the attorneys.

Tom

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**From:** Gettle, Jeaneanne

**Sent:** Tuesday, November 10, 2020 5:49 PM

**To:** Hicks, Matt <Hicks.Matthew@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

**Subject:** FW: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

All

Please see John's comments below. I will wait to send this forward to see how/if you feel we should address in the version send to senior leaders.

jmg

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**From:** Goodin, John <Goodin.John@epa.gov>

**Sent:** Tuesday, November 10, 2020 4:54 PM

**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>

**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

DELIBERATIVE

Thanks, Jeaneanne—I'm fine with this moving up. A couple of comments for your consideration:

## Ex. 5 Deliberative Process (DP)

Thanks,  
John

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>

**Sent:** Tuesday, November 10, 2020 12:09 PM

**To:** Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>

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Deliberative

John, Steve and Andrew:

Attached to this message is a revised draft Programmatic Agreement, in clean and redline, which responds to comments received from the ACHP via email on 10-28-20 and 11-2-20, and during a phone call on 10-29-20. For reference, I've attached the emails from the ACHP transmitting the 10-28 and 11-2 versions. This new revised draft reflects input from Simma, Tod, and ORC, and the following direction we recently received from Dave Ross:

- 1.
2. **Ex. 5 Deliberative Process (DP)**
- 3.

The redline version includes comment bubbles where appropriate to assist Senior Leadership in their review. I plan to forward this to our Dave, David and Mary either later today (pending hearing from you) or at the latest early Thursday. If possible can you give a quick response if you are ok with this moving forward.

Thanks,

Jeaneanne